

REMARKS

I. Claims Status

Upon entry of the foregoing amendment, claims 60, 62-66, 71, 74, 76-79 and 81-84 are pending. Claims 75 and 80 are sought to be cancelled without prejudice thereto or disclaimer thereof any subject matter contained therein. Claims 60, 64-66, 71 and 77 are sought to be amended. Support for the amendments can be found throughout the specification and in the original claims. The amendments do not present any new matter, and their entry is respectfully requested.

II. Written Description Rejection Under 35 U.S.C. § 112, 1st Paragraph

Claims 60, 62-66, 71 and 74-81 stand rejected for allegedly failing to comply with the written description requirement of 35 U.S.C. §112, first paragraph. Office Action, pages 2-7. Applicants thank the Examiner for identifying amendments that would overcome the rejection. In particular, the Examiner states that "[d]eletion of the term [variants] from the claims, or limiting the claims to variants that share 94% or more identity over the entire length of each reference SEQ ID NO may obviate this rejection." *Id.* at page 3, lines 14-15. Applicants also thank the Examiner for pointing out that "[t]his rejection could be partially obviated by amending the claims to recite-----95% identical----- and ----having catalyzing the hydrolysis of urea-----; or an equivalent phrase." *Id.* at page 7, lines 4-6.

Solely to expedite prosecution and not in acquiescence to the rejection, Applicants have adopted the Examiner's proposed amendments, with the exception that the claims recite "94% identical" rather than "95% identical." Applicants respectfully remind the Examiner that recitation in the claims of "94% identical" finds support in the exemplified sequences (*e.g.*, figure 1) and in the originally filed claims. Applicants respectfully request that the Examiner contact the undersigned representative by telephone if the Examiner considers this 1% difference in identity to be critical to the question regarding whether the claims comply with the written description requirement.

Accordingly, Applicants having adopted the Examiner's suggestions, it is believed that the rejection of claims 60, 62-66, 71 and 74-81 under 35 U.S.C. §112, 1st paragraph for failure to

comply with the written description requirement has been overcome. Applicants request that the Examiner reconsider and withdraw this rejection.

III. Rejections Under 35 U.S.C. §102(b)

Claims 75 and 80 stand rejected under 35 U.S.C. §102(b) for allegedly being anticipated by Gootz *et al.* Office Action, pages 7-8. Solely to expedite prosecution and not in acquiescence to the rejection, Applicants have cancelled claims 75 and 80. Accordingly, Applicants request that the Examiner withdraw the rejection, which is believed to now be moot.

IV. Rejection Under 35 U.S.C. § 101

Claims 64-66 stand rejected as being drawn to non-statutory subject matter. Office Action, pages 8-9. Applicants thank the Examiner for suggesting an amendment to overcome this rejection. In particular, the Examiner states that "[t]he claims should be amended to recite ---An isolated host cell-----." *Id.* at page 9, lines 2-3. Solely to expedite prosecution and not in acquiescence to the rejection, Applicants have adopted the Examiner's suggestion. Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection.

V. Claim Objections

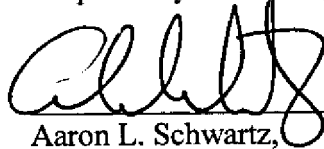
Claims 62-66, 75, 76, 80 and 81 stand objected under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Office Action, page 9. Applicants believe that the amendments made herein obviate this objection. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this objection.

CONCLUSION

Applicants do not believe that any other fee is due in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 02-2334. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **02-2334**.

Applicants submit that this application is in condition for allowance, and request that it be allowed. The Examiner is requested to call the Undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,



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